and that interest was "compromised" when petitioner invited Kim, an agent acting on behalf of the government, into the apartment. 808 F.2d at 648; *Bramble*, 103 F.3d at 1478.

In inviting Kim into the apartment, petitioner exposed the contraband and the apartment to the government. The entry of additional agents into the apartment to arrest petitioner, while Kim remained there, worked no constitutionally significant incremental interference with petitioner's privacy interests. The agents were exposed to the same area and contraband that Kim had seen and continued to witness. See, *e.g.*, Pet. App. 10; *Pollard*, 215 F.3d at 649; *Bramble*, 103 F.3d at 1478; *Paul*, 808 F.2d at 648; *Janik*, 723 F.3d at 548. Cf. *United States* v. *Jacobsen*, 466 U.S. 109, 119-120 (1984) (privacy interest not invaded where government reexamines package previously examined by private party because the expectation of privacy has already been frustrated by the private search); *Illinois* v. *Andreas*, 463 U.S. 765, 771-772 (1983) (reopening container government previously searched not a new search because the government already knew its contents); *United States* v. *Rubio*, 727 F.2d 786, 797 (9th Cir. 1984) (once consent to search provided, using additional officers to conduct the search would not further diminish the consenting party's privacy interest).[2]

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[2] Petitioner is mistaken in contending (Pet. 12) that the doctrine of consent once removed renders the "rules concerning the requisites of a warrant application * * * [un]necessary." Petitioner's argument fails to appreciate the limited scope of the doctrine, which is bounded both temporally and by the scope of the initial consent. See, *e.g.*, Pet. App. 7 n.1 ("doctrine does not permit the officers who enter * * * to conduct a general search" but is instead limited to calling them in, once probable cause is established, "to assist in effectuating the *arrest*");

Significantly, petitioner does not contest the validity of the consent-once-removed doctrine where the initial entry is by an undercover officer. See Pet. 7. He instead contends that the doctrine cannot constitutionally be applied where the initial entry is by a cooperating informant. That contention lacks merit. As the foregoing discussion demonstrates, the doctrine does not rest on the notion that the admitted party possesses particular law enforcement powers. Instead, it is grounded in the diminished interest in privacy resulting from the consensual exposure of the premises to an agent of the government. See Pet. App. 15-17. Insofar as a particular law enforcement authority bears on the validity of petitioner's arrest, it is the arrest authority. And as the court of appeals explained, private citizens often possess—including under Tennessee law—the authority to make an arrest based on probable cause to believe that a felony has been committed. Pet. App. 10 n.2, 16-17.

Bramble, 103 F.3d at 1478-1479 (backup officers limited from going beyond areas covered by the consent, absent a separate constitutional basis for doing so); *Diaz*, 814 F.2d at 459 (emphasizing that the doctrine is temporally limited). In addition, insofar as there may be questions about the potential scope of the doctrine, those questions are not raised by the factual circumstances of this case. The officers in this case entered while Kim was still in the apartment; they immediately arrested petitioner; and their additional examination of the apartment was a permissible protective sweep following the arrest.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

PAUL D. CLEMENT
Solicitor General
ALICE S. FISHER
Assistant Attorney General
JEFFREY P. SINGDAHLSEN
Attorneys

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